

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC**

In the Matter of:	)	
Petition for Waiver of Commission	)	
Rules by	)	
	)	CC Docket No: 02-6
DPNR/Division of Libraries, Archives	)	
& Museums	)	File No. SLD- 171050038
BEN Number: 210321	)	
	)	
Schools and Libraries Universal Service	)	
Support Mechanism	)	

DPNR/Division of Libraries, Archives & Museums (V.I. Division of Libraries) pursuant to Section 54.719(c) of the Federal Communications Commission's ("FCC") rules<sup>1</sup>, hereby requests that the Commission waive the FCC Form 471 ("Form 471") filing window deadline in Section 54.507(c) of its rules.<sup>2</sup>

**BACKGROUND**

On October 30, 2017, the FCC released the Hurricane Relief Order, opening a special E-rate filing window from November 13, 2017 to December 13, 2017 to submit Form 471 applications for applicants adversely impacted by the recent hurricanes.<sup>3</sup> As an eligible applicant located on the US Virgin Islands, the V.I. Division of Libraries was a directly impacted applicant that qualified to take advantage of this Order.

On November 28, 2017, V.I. Division of Libraries posted an FCC Form 470 ("Form 470") with the Universal Service Administrative Company ("USAC"), seeking bids for the

<sup>1</sup> 47 C.F.R. § 54.719(c) (permitting parties seeking waivers of the Commission's rules to seek relief directly from the Commission).

<sup>2</sup> See 47 C.F.R. § 54.507 (requiring the Administrator to implement a filing period and to determine dates on which the filing period shall begin and conclude).

<sup>3</sup> See FCC 17-139, released October 30, 2017, CC Docket No. 02-6, 32 FCC Rcd 9538 (11).

provision of internet and voice services for nine library branches.<sup>4</sup> The V.I. Division of Libraries selected Alliance Data Services for Internet, and Virgin Islands Telephone Company for voice services. On December 14, 2018, V.I. Division of Libraries filed and certified an FCC Form 471.<sup>5</sup>

### **ISSUES AFFECTING V.I. DIVISION OF LIBRARIES**

On September 6, 2017, Hurricane Irma, one of the most powerful Category 5 Atlantic storms hit the U.S. Virgin Islands leaving the two main islands of St. Thomas and St. John with devastating structural damage, and over 90% of the islands without power. On September 20, 2018, just two weeks later, Hurricane Maria made landfall over the island of St. Croix destroying all communications and the power grid across the island. The U.S. Virgin Islands was declared a FEMA disaster site. Since that time, V.I. Division of Libraries has struggled to keep and maintain reliable power and Internet connectivity. During the timeframe that the second FY2017 Application Window was open for directly impacted applicants, the U.S. Virgin Islands was still without reliable power, phone service and Internet, and operating with the use of generators.

Under the FCC Hurricane Relief Order, V.I. Division of Libraries procured services, collecting the information necessary to apply for discounts for Internet and voice services for the nine library branches that serve the three islands. However, due to limitations of connectivity, V.I. Division of Libraries certified the Funding Year 2017 Form 471 application on December 14, 2017, one day after the FY17 Hurricane Relief Form 471 filing window closed. The application includes support for Internet access and telephone services necessary for the nine library branches located throughout St. Thomas, St. John and St. Croix.

### **DISCUSSION**

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<sup>4</sup> FCC Form 470 Number 180005943

<sup>5</sup> FCC Form 471 Application Number 171050038

V.I. Division of Libraries did not have reliable connectivity to file the Form 471 application within the special filing window for Hurricane Relief. Given the special circumstances of this case, V.I. Division of Libraries contends that a waiver of Section 54.507(c) of the Commission's rules is appropriate. First, strict compliance with the Commission's rules in this case would not be in the public interest. That interest is furthered instead by permitting V.I. Division of Libraries to apply for E-rate program support, as without the requested funds, V.I. Division of Library branches cannot provide internet access to its patrons.

The Hurricane Order itself anticipates that applicants on the U.S. Virgin Islands and Puerto Rico might have trouble accessing the relief offered by the Order.<sup>6</sup> The Order recognizes that applicants may need other relief and that the Order itself did not mark the end of the Commission's efforts to assist. By granting a waiver in this case and instructing USAC to process an application that was filed one day late, the Commission will greatly help the libraries and patrons located across the U.S. Virgin Islands.

Considerations of hardship warrant a deviation from the Commission's rules. V.I. Division of Libraries has overcome limited resources necessary to operate the public libraries, and continuing uncertainty while the U.S. Virgin Islands rebuild from the 2017 hurricanes. The circumstances in this case were beyond anyone's control and warrant a waiver of the filing window deadline.

## **RELIEF SOUGHT**

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<sup>6</sup> See Paragraph 13 of the FCC Order, FCC 17-139, released October 30, 2017, CC Docket No. 02-6, 32 FCC Rcd 9538 (11).



For the foregoing reasons, V.I. Division of Libraries respectfully requests that the Commission waive the funding year 2017 filing window deadline and direct USAC to accept and review the submitted application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Kim Blackett', with a horizontal line extending to the right.

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